

SAUGATUCK TOWNSHIP PLANNING COMMISSION

March 24, 2003

The Saugatuck Township Planning Commission met on March 24, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Milauckas, Olendorf, Phelps, Rausch, Shanahan and Smith

Absent: None

Also present: Z. A. Ellingsen, Mark A. Dyer, JoAnn DeYonge, Scott DeYonge, and many members of the general public.

Chairman Milauckas called the meeting to order at 7:10 P.M. and announced that the representatives for the Goshorn Woods development had notified the township office that they were not ready for their hearing. That item was deleted from the agenda.

Phelps made a motion to approve the amended minutes of March 17 (correct the amendment to February 27 minutes to read 1/27/03). Smith seconded and the motion carried.

There being no unrelated public comment, Milauckas opened the public hearing for the rezoning of the east 350' of the Christian Reformed Church's property on the northwest corner of Blue Star and Allegan Rd. Rausch read the notice published in the newspaper, and Milauckas stated that proper notice has been made to neighboring property owners. Milauckas also reviewed the procedure for rezoning and read a list of criteria to consider in the process of rezoning. Ellingsen reported that there have been no letters or phone calls on this matter. He said Atty Bultje told him on the phone that the church is not a permitted use, nor is it a special approval use, in the C2 zone, so rezoning is necessary for the project the Church is planning.

Commissioner Smith recused herself from discussion of this matter because she is a member of the Church.

A plan for the site was displayed, and JoAnn DeYonge, 5706 138th, Holland, longtime member of the Saugatuck Christian Reformed Church and the chairperson of the Church's site plan committee, explained that the church began 40 years ago, buying the property in question and building the present church, a parsonage and a youth building. She added that the C2 part of the property has been used over the years for outdoor activities, and the property was always thought of as one piece. Only recently when they brought plans to the Z. A. for a new church to be built on that portion did the planners learn that the eastern portion of the property was not zoned R1. The new building of 10,000 s.f. will be single-story with a worship center, fellowship hall, offices and classrooms. Phelps asked how the old building will be used and she said classes will be held there. Rausch asked about the trees that were cut down, and DeJonge replied that they were in the way of the power line, there is a drainage issue to be solved on Old Allegan Rd., they were willows and were diseased. They were taken down then because the ground was still frozen and it was the best time to get the equipment in. Rausch also asked about the detention pond which now exists on the property, and DeJonge said when they decided to pave the parking lot, their engineers recommended creating the pond. Doug Gritter, 6014 River Ridge Dr., stated that the pond was 4 feet deep, but the most water that would ever be in it was 1-1/2 feet, and that will drain away into the ditch to the north of the property. Allegan County required the pond.

Milauckas reminded the commissioners that if the property is rezoned, the owner may develop it in any manner that is admissible in the R1 zone. They are not committed to this building project by the rezoning. He opened comments to the public at 7:40 P.M.

Sue Kurrasch, 904 Allegan, asked if rezoning was really necessary since it is in a mixed-use overlay district, and Milauckas responded that the attorney has said it is. The new building will be mostly on the C2 portion.

Ben Ebling, 213 Maple, wondered what the plans are for the remains of the wooded area separating the Church property from his. Scott DeJonge, 3161 Jennifer, Hamilton, replied that there are no plans to take out any more trees, except for a few right around the building site for access by fire equipment.

Nick Cappelletti, 6594 Allegan, asked about the site plan review, and Milauckas replied that it will not be a public hearing but the public could attend and make comments anyway. Cappelletti also wanted to know if it was all right to ask questions about the landscaping plans at this hearing. Milauckas said he thought it was premature at this point. Cappelletti wondered what precedent this rezoning might set in regards to his own property. Milauckas said each rezoning request would be considered on a case-by-case basis.

Olendorf wondered if in the rezoning request, a tree inventory could be required, but Milauckas said that would be a site plan issue.

Rosalie Yaksic, 6597 Old Allegan, right next door to the Church, wondered where churches are allowed, and Ellingsen said everywhere except the Commercial Zone. She stated that the parking lot is 10 feet from her property line. She was concerned about the new blacktop, lighting, green space, and traffic.

Liz Engel, 2496 Lakeshore Dr., suggested that rezoning to R1 would be better for everyone than the possible uses on the property in C2.

Kurrasch said she was concerned about the disjointed look of the buildings, wondered if they could be unified somehow, to blend into the character of the neighborhood. She wondered if there would be landscaping and hoped signage would be attractive, no roll-out signs or banners.

Steve Townsend, 3488 64th St., asked if a traffic light or 4-way stop might be created at the intersection because of this rezoning, and Milauckas said he did not know, but it would be the Allegan County Road Commission which would decide.

Milauckas asked about the driveways, and DeJonge replied they would not change: two to the church off Allegan Rd., one to the parsonage off Maple, none to Blue Star Hwy.

Engel was concerned about the additional number of people to frequent the site and the detention pond's potential danger to children. Scott DeJonge replied that a fence has been considered, and JoAnn explained that there would not be children on the site everyday during the week as there had been when there was a day-care facility on the site.

Doug Gritter wondered when the 350' of Commercial Zone was created, and Ellingsen said 1984. He asked when the Mixed-use Overlay District was created, and Milauckas answered 1998. He wondered if anyone from the church came to the meetings, was it a mistake to change something which had been there for a long time. Milauckas stated that some of the property owners were grandfathered if the use was non-conforming, and Ellingsen pointed out that the only church buildings on the property are in the R1 zone. Gritter continued that the church does want to fit into the neighborhood, and the proposed new building will be very "Saugatucky." He stated that there is an 18' drop from Maple to Blue Star, and efforts are being made to correct the drainage over Allegan Rd.

Ellingsen reported that churches were a permitted use in the Zoning Ordinance before 1998.

Olendorf moved to close the public portion of the meeting, and Phelps seconded. The motion passed.

Olendorf asked DeJonge if there could be an alternate site for this new church if the rezoning is denied, and she answered, "No." She agreed there were a lot of things the church just went ahead and did without consulting anyone, including the neighbors. Shanahan urged the representatives of the church to communicate with the neighbors. This is the only church in the township jurisdiction. There is no specific reference to this area in the Master Plan. The intersection is not generally commercially developed, and this site would not lend itself very well to commercial development because of its low grade level and wetland. It is served by public water and sewer. It was determined that the rezoning to R 1 would not be inconsistent if other intersections with Blue Star were also rezoned; for instance, 134th and Bradley.

Olendorf made a motion, supported by Phelps, to approve the rezoning to R 1 of the east 350 feet of parcel 0320-010-045-00 belonging to the Saugatuck Christian Reformed Church because (1)the existing properties in the neighborhood are of like nature, (2)the church may not have participated in the decision to delete church uses from the commercial district in 1998, (3)it is not inconsistent with the Master Plan, and (4)after having reviewed all criteria for determination, Commissioners have found nothing contrary. The roll call produced a unanimously affirmative vote of those actively participating. Smith did not vote.

After a brief recess, the meeting resumed at 9:00 P.M. for a public hearing on the request of Mark A. Dyer, 2525 Blue Star Hwy., to construct an artist's studio with retail sales and classes as a home occupation within a 32X40 foot detached pole building on residential property in A-1, for which he needs a SAU, and to erect a larger sign than is allowed in Sec. 5.16A-1C2 near the ROW, instead of on the building. Smith rejoined the panel and read the notice published in the newspaper. Milauckas stated that proper notice has been sent to the neighbors.

Dyer explained that the dog kennel, which has been on the property for some time, is situated on the other end of the house from which he wants to erect the new building, and is operated by his partner. He said presently his studio use of some of the rooms in the house on the side where the dogs are is not working well. He added that a sign on the building would never be seen from the road, so he would like to put a large one on the south end of the property. There is a large one on the north end for the dog kennel.

Milauckas opened the hearing to public comment, and Jim Searing, 6787 Old Garden Rd., clarified that this would be a second sign and there would be retail sales of the artist's work. He was concerned that the area not become predominantly commercial because of the problem with the gas station's application for Exit 34.

Fred Hamlin, 6803 Dale Ct., was in favor of an artist's studio because it would not generate any more traffic and the additional sign did not bother him.

Cappelletti asked if it was a home occupation now. Ellingsen said "Yes." He further asked if there is an Ordinance which treats parking, signage, retail sales, etc., in home occupations. Milauckas provided him with the recently amended Ordinance.

Ed Gray, Fennville, vouched for Mark Dyer's work. Heather Barton, 190 Union St., also praised him.

There being no further public comments, Shanahan made a motion, supported by Phelps, to close the public portion. The motion carried.

Darpel took issue with two signs, two businesses, a home, two structures on the same piece of property and what kind of precedence might be set. He wondered about the landscaping and also thought the three garage doors and barn-look was not esthetically pleasing, but Dyer said he wanted to build something in

keeping with the house and the rural nature of the neighborhood. Dyer added that he was open to suggestions, however.

Smith reviewed the parking spaces needed, and Dyer said he did not anticipate need for more than 8-10.

Olendorf complimented Dyer on the clean-up of the property and sign, but he questioned the non-conforming use with the kennel, additional commercial property in an area where there have been problems already, and wondered what happens if the property is sold. Classes might produce lots more traffic. Why the need for two signs? Attach to the one already there. Dyer said he didn't know the property was non-conforming when he bought it. Ellingsen said it would need SAU if the kennel were expanded.

Milauckas tried to clarify what the objections might be and suggested size: 1280 s.f. detached. Ellingsen said if that size addition were attached to the house, there would be no need for SAU. Shanahan pointed out that it might be a cost issue, but Dyer said he really wanted to separate his occupation from the kennel. Milauckas wondered why the proposed project is not simply a retail business, rather than a home occupation, because of its size. The traffic compounded by the kennel was discussed, but the kennel operator/partner, Tim Diephouse, maintained that dogs stay for an average of 2 1/2 weeks so do not generate a lot of traffic, even though he has 40 pens.

Phelps made a motion to table Dyer's SAU and sign requests until the April 28 meeting. Olendorf seconded and it carried. Phelps asked Dyer to consult the Fire Chief about requirements for the suggested uses before he came back.

Milauckas made a motion to set a public hearing for the Zoning Ordinance part of the Code of Ordinances for the next regular meeting April 28. Shanahan seconded, and the motion carried. Ellingsen will notice the meeting.

The subject of the Paint Ball operation taking place in and around the old Valleau Brass Works was discussed, and Ellingsen said he can formally cite the owners, Brinks Trust, because of the mess, a possible dangerous situation, and commercial activity in I-1. In the meantime, he said the neighbors could call the police when they think dangerous activity is going on. Phelps said he could ask the Fire Chief about the life-safety code aspect. There was no response to a letter sent February 20 by Ellingsen.

Darpel said he thought during the Oxbow site plan review, the Commissioners were adamant about stressing the traffic problems and the need for a shuttle service, but it did not show up in the minutes of February 27.

Milauckas said Sisson can be present at the special meeting on April 21 to continue with R-3 amendments. He also brought up the fact that the Ordinance does not have a foot-candle limit for exterior sites.

Meeting adjourned at 10:20 P.M. The next meeting is a special meeting at 7:00 P.M. on April 21. The next regular meeting is April 28 at 7:00 P.M.

MOTIONS

1. Motion by Phelps/Smith to approve minutes of March 17 as amended.
2. Motion by Olendorf/Phelps to close public portion of hearing on rezoning to R1 of Saugatuck Christian Reformed Church Blue Star property.
3. Motion by Olendorf/Phelps to rezone east 350 feet of property owned by Saugatuck Christian Reformed Church to R-1 from C-2.
4. Motion by Shanahan/Phelps to close public portion of hearing on Mark Dyer's request for SAU for home occupation and signage change for Stewartia Artists Studio on Blue Star Hwy.
5. Motion by Phelps/Olendorf to table SAU for Dyer on home occupation to April 28.
6. Motion by Milauckas/Shanahan to set public hearing for Zoning Ordinance part of Code of Ordinances as recodified for April 28.